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12 | Co-Lead Counsel for Plaintiffs

E-FILED - 5/14/08

13 [Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

17 In re FINISAR CORP. DERIVATIVE) Master File No. C-06-07660-RMW
LITIGATION)
18 _____) STIPULATION AND [] ORDER
REVISING BRIEFING SCHEDULE FOR
19 This Document Relates To:) SECOND AMENDED CONSOLIDATED
COMPLAINT AND DEFENDANTS'
20 ALL ACTIONS.) RESPONSE THERETO
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1 WHEREAS, further to the Stipulation and Order signed by this Court on April 10, 2008,
2 plaintiffs' Second Amended Consolidated Complaint is due to be filed on May 6, 2008;

3 WHEREAS the parties have met and conferred and agreed to extend this deadline by four
4 days until Monday, May 12, 2008;

5 WHEREAS, the parties have entered into prior stipulations continuing this filing from
6 January 31, 2008 to May 6, 2008 to enable the parties to explore avenues of resolution of this action;

7 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
8 efficiency, and will not cause prejudice to any party;

9 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and defendants,
10 through their respective counsel of record subject to approval of the Court as follows:

11 1. Plaintiffs shall have until no later than May 12, 2008 to file and serve a Second
12 Amended Consolidated Complaint which will supersede all existing complaints filed in these
13 actions;

14 2. Defendants shall answer or otherwise respond to the Second Amended Consolidated
15 Complaint no later than June 24, 2008; and

16 3. In the event that defendants file and serve any motion directed at the Second
17 Amended Consolidated Complaint, plaintiffs shall file and serve their opposition no later than
18 August 7, 2008.

4. Defendants shall file and serve their reply no later than September 8, 2008.

20 IT IS SO STIPULATED

21 DATED: May 6, 2008

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/s/

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10 DATED: May 6, 2008

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11 _____/s/
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17 Co-Lead Counsel for Plaintiffs

18 DATED: May 6, 2008

DLA PIPER
DAVID A. PRIEBE

19 _____/s/
20 DAVID A. PRIEBE

21 2000 University Avenue
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23 Telephone: 650/833-2000
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25 Attorneys for Defendants

26 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this
27 STIPULATION AND [PROPOSED] ORDER REVISING BRIEFING SCHEDULE FOR SECOND
28 AMENDED CONSOLIDATED COMPLAINT AND DEFENDANTS' RESPONSE THERETO. In

1 compliance with General Order 45, X.B., I hereby attest that Joseph E. White, and David A. Priebe
2 have concurred in this filing.

3 _____ /s/
4 AELISH M. BAIG

5 * * *

6 **O R D E R**

7 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
8 GRANTS the parties' Stipulation.

9 IT IS SO ORDERED.
10 DATED: 5/14/08

Ronald M. Whyte

11 THE HONORABLE RONALD M. WHYTE
12 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 6, 2008.

/s/

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Mailing Information for a Case 5:06-cv-07660-RMW

Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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